

## **ORDINANCE NO. 67-2003**

### **A GENERAL ORDINANCE ADDING A NEW SECTION 154.52.04 TO THE CITY OF RICHMOND CODE**

- WHEREAS, Chapter 154 of Richmond Code regulates zoning within the City of Richmond; and
- WHEREAS, such chapter establishes minimum requirements for lot size, front yard depth, front yard width, rear yard depth, rear yard width and side yard width (sometimes commonly referred to as “set back”); and
- WHEREAS, it is desirable to promote new residential construction on lots that contain deteriorating or unsafe structures and lots that no longer contain residential structures; and
- WHEREAS, the current set back requirements make the construction of new residential property on many lots that contain deteriorating structures and on lots that no longer contain residential structures, burdensome; and
- WHEREAS, in order to encourage the development of new residential property on lots that contain deteriorating structures or that no longer contain residential structures, the construction of new dwellings on such lots should be permitted regardless of the current set back requirements, subject to certain specified conditions;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Richmond, Indiana that a new Section 154.52.04 is hereby added to Richmond Code to read as follows:

- 152.52.04      Modifications due to the removal of a dwelling within the last thirty (30) years
- (a)      Notwithstanding any contrary provision or requirement contained in this Code dealing with lot size, front yard depth, front yard width, rear yard depth, rear yard width or side yard width, including, but not limited to, the requirements mandated by Sections 154.20.03, 154.21.04, 154.22.04, 154.23.04 and 154.52, *et. seq.*, a person may construct a new residential dwelling on any lot carrying a residential (R) zoning designation, if such person can demonstrate the following:
- (1)      Within thirty (30) years preceding the date such person applies for an Improvement Location Permit, the lot contained a dwelling and such lot, at one time, conformed with any then existing zoning requirements at the time the dwelling was constructed; and
- (2)      The dwelling that once existed on the lot has been completely removed;

- (3) The construction of the new residential dwelling will not present a danger to persons or property because of its reduced lot size, front yard width, front yard depth or side yard width; and
  - (4) A new dwelling could not lawfully be constructed on the lot solely because of the minimum requirements (based upon the current zoning designation of the lot) for lot size, front yard depth, front yard width, rear yard depth, rear yard width or side yard width; and
  - (5) The height of the proposed dwelling will not vary more than twenty percent (20%) from the average height of other existing dwellings located on the same block as the proposed dwelling.
  - (6) The orientation of the proposed of the front view to the street of the proposed dwelling shall be consistent with the orientation of the front view to the street of the existing dwellings within one hundred feet and on the same block as the proposed dwelling.
  - (7) The proportion of the front elevation (ratio of the height to width), foundation height and eave lines of the proposed dwelling shall be consistent with proportion of front elevation, foundation height and roof configuration on other existing dwellings located on the same block as the proposed dwelling.
- (b) A new dwelling, permitted by this section, may not be constructed in such a manner as to reduce the lot size, front yard depth, front yard width, rear yard depth, rear yard width or side yard width of the lot below the same measurements of the lot when the previous dwelling was standing.
  - (c) Persons constructing new dwellings pursuant to this section must comply with all other applicable laws and regulations, including, but not limited to, any other applicable State or Federal building code, Chapter 150, Chapter 151, Chapter 153, Chapter 154 and Chapter 158.
  - (d) For purposes of this Section only, the following terms are hereby defined:
    - (1) the “front” of a dwelling shall be the side of such dwelling that is used for purposes of assigning a street address to the lot containing a dwelling.
    - (2) the term “front elevation” shall be determined by measuring the height of surface of the front side of the dwelling from the foundation to the roof line.

(3) the term "orientation" describes the manner in which the front elevation of a dwelling faces the street.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2003, by the Common Council of the City of Richmond, Indiana.

\_\_\_\_\_, President  
(Bing Welch)

ATTEST: \_\_\_\_\_, City Clerk  
(Norma Schroeder)

PRESENTED to the Mayor of the City of Richmond, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2003, at 9:00 a.m.

\_\_\_\_\_, City Clerk  
(Norma Schroeder)

APPROVED by me, Shelley D. Miller, Mayor of the City of Richmond, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2003, at 9:05 a.m.

\_\_\_\_\_, Mayor  
(Shelley D. Miller)

ATTEST: \_\_\_\_\_, City Clerk  
(Norma Schroeder)